

The Bill Blackwood Law Enforcement Management Institute of Texas

**Police Militarization:
Changing the public's perception on the use of
military equipment and tactics**

**A Leadership White Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**

**By
Chad Alan Randall**

**Pearland Police Department
Pearland, Texas
July, 2016**

ABSTRACT

After the shooting of Michael Brown in August of 2014 by a police officer in Ferguson, MO, national attention focused on the initial police response to the protesting and rioting. Officers garbed in tactical uniforms, armed with rifles and flanked by armored personnel carriers were exhibited on the media. Following the incident, there were calls for what was seen as a need to end the “militarization” of America’s police forces. From ending SWAT units to stopping the transfer of former military equipment to local law enforcement agencies, editorials, protests, and calls for change ensued (Szoldra, 2014). Law enforcement executives faced tough questions, legislation was proposed, and citizens contacted government leaders to stop the movement of military equipment.

As community trust has been shaken, it will be important for police leadership to be transparent and educate the public on the importance of the equipment used for the goals of police work. This topic is of utmost importance as police are faced with safeguarding the public and themselves, being fiscally responsible and helping to keep the actual military from patrolling American streets. This equipment is necessary and essential to helping law enforcement accomplish these goals. Although there are a number of critics’ valid arguments regarding the perception of militarization, most of the positions are unwarranted and fail to recognize the differing organization goals of the police and the military. The law enforcement community should continue to adopt the use of military based technology and surplus equipment appropriate for civilian policing needs, but they must be cognizant of the appearance of this use and be restrained in its application.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.....	1
Position.....	7
Counter Position	16
Recommendation	23
References	29

INTRODUCTION

In August of 2014, a man named Michael Brown was shot by a police officer of the Ferguson Missouri police department. Some residents and others believed there was a racial aspect to the shooting and that Mr. Brown was the victim of murder at the hands of police. People gathered to protest the shooting and the Ferguson police department responded. National media flocked to the small city of approximately 21,000 people and watched as the police, many who appeared to be dressed in uniforms more similar to soldiers than police, took position near the protestors. An armored vehicle was visible at the scene and following this police response, there were nationwide questions about the “militarization” of the America’s police forces. Citizens to politicians questioned the appearance of the police and many called for an end to the 1033 program, which immediately found itself in the spotlight. The program originally set up in 1997 had the goal of providing surplus military equipment that was felt suitable for civilian use to local police departments throughout the United States (“About the 1033 program,” 2015). According to the Defense Logistics Agency (DLA) which oversees the 1033 program, over 8,000 agencies have benefitted from the program (“About the 1033 program,” 2015). Oddly enough, just two months before the highly publicized incident, many politicians, including President Obama, began to question the program and an amendment attempting to end the program failed in the House by a vote of 62 to 355 in June 2014 (“Why Congress Is Reluctant,” 2014).

Public perception among many had turned to one that their local police departments had “militarized”. But, defining what it means to militarize has become a matter of debate as well, leaving just as many questions. There are few accepted

definitions, as few who have studied or written about this theory have actually defined this phrase. However, a trend toward the topic seems to focus on the use of tactics, technology, or equipment that were once exclusive to the military. Others seem to add a propensity to use force for resolution as a component of militarization and still others link it to an armament culture and “mystified economic and sexual forces” (Salter, 2014, p.166). Among the publications regarding this topic, one author is often referenced, Professor Peter Kraska of Eastern Kentucky University. In a 2007 article, Kraska defined militarism as an ideology with a “set of beliefs, values and assumptions that stress the use of force and threat of violence...to solve problems. It emphasizes the exercise of military power, hardware, organization, operations, and technology as its primary problem-solving tools” (p. 503). Kraska (2007) then explained that “*Militarization* is the implementation of the ideology, militarism” and goes on to apply it to the police stating “police militarization, therefore is simply the process whereby civilian police increasingly draw from, and pattern themselves around, the tenets of militarism and the military model” (p.503).

With other significant definitions lacking, this paper proposes that the term “police militarization”, means the use of military tactics and technology, the use of once exclusively military equipment, and the threat or application of force using what was once only military equipment. Another common word used in this debate is paramilitary, which Perito (2004) defined as “armed forces of the state that have both military capabilities and police powers” (p. 46). Some describe these forces described by Perito as paramilitary police units (PPUs). Begor and Hill (2009) described them: “such PPU have been known by many different names, including: Special Weapons and Tactics

(SWAT), Emergency Response Teams (ERT), and Special Patrol Groups (SPG)” (p. 26).

Following the events unfolding on national television in Ferguson, MO, many began to question the tactics, equipment, and appearance of the police. The appearance of police wearing camouflage uniforms, carrying semi-automatic assault rifles, exterior body armor, wearing ballistic helmets, and standing in front of an armored vehicle called in to question their appearance, since they looked more similar to military soldiers than traditional police officers. Immediately, critics of this appearance turned their focus toward the federal 1033 program and the equipment it had provided to law enforcement. Yet many failed to realize the long time and close connection between the equipment employed by the police and the military and that these similarities were nothing new. As noted by police militarization critic Kraska (2007), the police, since their inception, have been militarized. According to Patterson (2002), there has been a strong relationship between policing and the military, including the adoption of the military model by the police in the early 1900s, bonus points for ex-military personnel on police civil service exams, and the use of PPU such as SWAT teams. Patterson (2002) stated, “the adoption of the paramilitary model within law enforcement agencies has been criticized due to the negative effects that it has on police officers and its characteristics contradictory to the functions of law enforcement” (p. 606). Like the armed forces, they are the only government sanctioned bodies to be permitted to use force to accomplish their goals.

Balko (2013) stated “there are two forms of police militarization: direct and indirect. *Direct militarization* is the use of the standing military for domestic policing.

Indirect militarization happens when police agencies and police officers take on more and more characteristics of an army” (p. 35). For over 100 years in the United States, there have been numerous examples of the police adopting equipment once used exclusively by the military. Engen (2011) wrote that in the early 20th century, the U.S. military set out to find a new pistol side arm and eventually settled on the Colt 1911 semi-automatic pistol. At this point in history, police officers around this country served with the traditional six shot revolvers, similar to those seen in the old West. But it did not take long for many in law enforcement to adopt the use of the semi-automatic pistol, which also became available to the general public following the military advancement. Today, these semi-automatic side arms are carried by most police officers nationwide, and this type of handgun is considered routine to their uniforms. Most in the public also think nothing of the CS gas or pepper spray carried by police as a non-lethal means of force against non-compliant subjects. However, these have their technological roots in war technology and the gases deployed by the military forces of the day.

Modern police officers are observed wearing body armor, a piece of equipment meant originally for the military dating back to the days of Samurais and, later, the soldiers of Vietnam. The body armor’s ability to protect the wearer was seen as a valuable asset in saving the lives of those sworn to protect others, and they have been successful at doing so. After an increasingly high number of police officers being killed by assailants, the National Institute of Justice (NIJ) led a program to expand the use of body armor for police officers. The NIJ standards are still in use with police today, but this military based technology is considered a normal part of every police officer’s uniform (“Body armor history,” n.d.) Other technologies and equipment once meant

exclusively for the military and now used daily by the police include Global Positioning Systems (GPS), two-way radios, and RADARs. Battery powered strobe lights used by the military for landing zones have found their way into law enforcement hands at accident scenes or hazardous material spills (Hoffman, 1999). Items used more rarely, but still generally lacking significant controversy include night vision goggles and helicopters. Interestingly, all of these once military technological items are also available to the public. Other specialized equipment not available to the public, but first developed by the military include bomb disposal robots. Originally designed by Lt-Col. Peter Miller, the civilian uses of bomb disposal robots, as observed during the Boston Marathon bombings, are real and consequential ("The Very First Bomb Disposal", 2014).

Those who focus on many of these above types of equipment now being used by the police state that it is a move toward militarization, but the most recent events have also focused on several other items specifically. Opponents also like to mention the long rifles carried by police and the "tanks" driven by officers. The rifles most often used by modern police officers are the civilian version or demilitarized versions of the M16/AR15. Interestingly, this same gun can be purchased by most citizens from not only gun stores, but they are even available from general retail stores such as Walmart in many states ("DPMS Sportical Rifle 5.56/.223 Rem," n.d.). So, with these guns available to the general citizen, what makes them "military" weapons in the hands of law enforcement versus "civilian" in the hands of general citizenry is never addressed by critics. With the AR-15/M16, it is normally the look of the traditional rifle of the U.S. armed forces, a gun carried by U.S. soldiers since the Vietnam War, and this

appearance simply lends itself toward the appearance of militarization. The “tanks” often mentioned are instead armored personnel carriers (APCs), and even within the military, there is a distinct difference between a tank and an APC. APCs have also been a controversial flagship example of the militarization of America’s police forces following recent events, but it is important to note that these vehicles do not operate with tracks like a traditional tank, they do not have cannons or any other mounted weaponry and are more akin to trucks with heavy metal plating capable of stopping small arms fire than the “tanks” those opposed to these vehicles paint them to be. Many agencies have employed armored vehicles for decades and, in fact, private businesses such as Wells Fargo and Brinks have used them to secure monetary cargo. The first armored vehicles used by the police were old bank armored cars. Even the President of the United States travels in an armored vehicle, capable of stopping the same type of small arms fire as the APCs that are seen as militarizing the police.

Given the close historical use and availability of equipment once exclusive to the military and now available to both the police and general public, one must look further into why the police use of this equipment is so controversial and whether or not law enforcement should continue to adopt its use. The tactics used by the military when it comes time to use force becomes another issue that police executives must tackle. As Kraska (2007) pointed out, “therefore, the real concern when discerning police militarization is one of degree – or put differently, the extent to which civilian police body is militarized” (p. 503). This becomes a political and social matter that all local law enforcement agencies must recognize and plan their use accordingly.

It is the position of this paper that local law enforcement agencies should continue to employ many of the technologies advanced by the military that are appropriate for civilian use. There are many reasons that the police should continue to do this. The acquisition of surplus military equipment saves the public money by ensuring that local governments do not purchase new equipment that is readily available and sufficiently appropriate in a used condition from the U.S. armed forces. This also recycles equipment and helps keep taxes lower. The use of this military designed equipment saves lives, from active shooter and hostage incidents, to search and rescue needs, and this equipment serves more than just a law enforcement service, it is also a more general public service. Finally, the better equipped that local law enforcement agencies are to deal with situations within their communities, the less likely they are to need the assistance of the actual military. When police are capable of handling civilian insurrections, lives can be saved, and there will be no need to call in National Guard troops and instill martial. Therefore, the law enforcement community should continue to adopt the use of military based technology and surplus equipment appropriate for civilian policing needs, but they must be cognizant of the appearance of this use and be restrained in its application.

POSITION

One reason the acquisition of surplus military equipment should continue is that it saves the public money by ensuring that local governments do not purchase new equipment that is readily available in a used condition from the U.S. military forces. Kelepecz (2015) noted that “with shrinking police department budgets...the 1033 program is also the only way an agency can equip officers with high-powered rifles,

optics, and weapon systems similar to those being used with increasing frequency by criminal elements on U.S. streets” (p. 49). This also recycles equipment and helps to keep local government taxes lowered. According to the Defense Logistics Agency of the U.S. military, it has transferred \$5.1 billion worth of surplus equipment to local and federal law enforcement agencies (“About the 1033 Program,” 2015). None of the equipment was purchased solely for this purpose and according to the DLA, “of all the excess equipment provided through the 1033 program, only five percent are weapons and less than one percent are tactical vehicles” (“About the 1033 Program,” 2015, para. 4). Although critics focus their attention on the weapons and vehicles, many fail to consider the other surplus equipment available. According to Kelepecz (2015) “over the years, equipment such as generators, tents, bedding and blankets, cranes, first aid kits, and water purification systems, have been used to assist law enforcement agencies during natural disasters” (p. 49). The top recipient of surplus military equipment is actually the federal government itself (Dance, Meagher, & Musgrave, 2014). The 1033 program simply acts as a means to legally move equipment whose purpose is no longer needed within the U.S. Armed Forces, to another governmental agency, most often a federal agency, with a need for the equipment. With the U.S. National Debt having reached over \$18 trillion dollars by January of 2015, any action the federal government can make to reduce additional spending helps to reduce the increase in the debt (<http://www.usdebtclock.org/>).

As mentioned earlier, much of the equipment that was once exclusively meant for the military, is now used daily by law enforcement and many civilians. There should be nothing controversial about the 422 helicopters transferred to law enforcement

("MRAPs And Bayonets," 2014). The value of these helicopters is in the millions and has permitted many agencies that may not have had the ability to start an air division with the ability to do so. Although there is little controversy about helicopters, the same is not true for other vehicles.

The most controversial of the vehicles transferred to local law enforcement are the armored personnel carriers (APCs), the military transferred version is commonly known as an MRAP which is an acronym for Mine Resistant Ambush Protected vehicle (Munson, 2014). To many critics, these vehicles are "tanks"; however, with no armament and no weaponry, they do not meet even the most elementary definitions of the word "tank". The use of armored vehicles is common for the protection of the occupants. That is the sole purpose of the armor on such vehicles, to protect the occupants from injury. APCs have been available to law enforcement for over 30 years, but the cost, however, is prohibitive for most local governments. Averaging over one-half of a million dollars, most local governments are unable to purchase these vehicles to provide a safe response for the police or for evacuating citizens from dangerous situations. Even with such a hefty price tag, many agencies, especially those in the medium to large categories have purchased varieties of these vehicles anyway. With the 1033 program, these vehicles are no longer cost prohibitive. Agencies that have a legitimate need for these types of vehicles may now get them after a potential need is shown. There have been more than 600 APC vehicles transferred, at an average of a half million dollars each, which has saved local and state governments and hence the local taxpayers over \$300 million dollars ("MRAPs And Bayonets," 2014). As noted by Kathryn Blake, the secretary for Iowa's Division of Narcotics Enforcement and the

coordinator for the 1033 program in that state, “I just think it’s a great way to help the taxpayers, because they’re not paying for items twice” (Munson, 2014, para. 25).

The military shows that they have also transferred 79,288 rifles (“MRAPs and Bayonets,” 2014). The most common of these rifles is the M16, a gun originally developed during the Vietnam War. The military is actively moving away from this rifle in favor of newer, technologically advanced rifles. A civilian version of this gun, the AR15, differs little from the military versions that have been used by police for well over a decade and have been available to the general public for almost 50 years. At an average cost of around \$1,000 each, this has equated to a savings of over \$79 million.

Even research and development costs for equipment that has law enforcement applications can and has been applied to the military with Hoffman (1999) noting that approximately 20% of some equipment displayed at a trade show for the military has cross use with law enforcement. As mentioned earlier, equipment other than weapons and vehicles make up around 95% of the items transferred. Some of these items include night vision goggles, office equipment, bomb disposal robots, and a myriad of other items. Most of these items were already available in a civilian format to the police and all are demilitarized prior to transfer. For much of the equipment, there is simply no replacement once the need arises, like when a bomb disposal robot is needed to deal with a possible bomb; an agency or nearby agency would either has one or places a human in direct danger to deal with the potential bomb. Prior to this program and the transfer of this equipment, many times these items were simply cost prohibitive, especially for smaller and medium sized police agencies. The financial savings is not the only reason that the transfer and use of military equipment should continue.

A second reason for the police use of surplus military equipment and equipment designed through military technology is that it helps to save lives. From active shooter incidents to search and rescue, this equipment has more uses to the police than just the law enforcement function. As history has shown, in Watertown MA, Columbine, CO and Littleton, CO, all cities that made national headlines, but have populations under 50,000 residents, acts of terrorism and mass murder situations can happen anywhere. Much of this equipment helps to both protect the police and help the police to protect the public.

There are both law enforcement and public safety needs for the vehicles transferred to agencies. Surplus transferred vehicles include helicopters, transport aircraft, armored personnel carriers, Humvees, and other civilian type vehicles (Kelepecz, 2015). Of note, none of the vehicles are armed with any cannons, small arms, or any other weaponry. There is a real need for this equipment. Helicopters are uniquely designed for long transportation and aerial search, rescue, and reconnaissance. In areas of the country where the terrain becomes difficult to pass by automobile, helicopters have this unique advantage and simply cannot be substituted. These helicopters are not equipped with weapons and are used as “eyes in the sky”. The use of helicopters are adopted by the media, transportation companies, emergency medical services, and even tour companies. The use of the helicopters provides a higher level of situational awareness and leads to a safer police response. Their use can simply make the law enforcement response safer and more efficient.

The MRAP vehicles, again one of the most controversial transfers, are capable of high water rescues. Weighing in at 42,000 pounds and having the ability to drive through up to 3 feet of water, they are often one of the few vehicles possessed by local

law enforcement capable of crossing flooded roadways (Packard, 2012). In areas where flooding and hurricanes are a threat, these vehicles serve a purpose outside of traditional criminal law enforcement. There have been a number of high profile instances in which APC vehicles were used to keep police and citizens safe from assailants. One such instance occurred in Stockton, CA in July of 2014, just weeks prior to the same type of vehicle being called a militarized following Ferguson. In Stockton, an equally equipped Bearcat, a civilian version of an APC with a \$300,000 price tag, was used by the police during a gun battle with heavily armed bank robbers (Anderson, 2014). The robbers, armed with AK-47 style assault rifles, the same type of gun used by Russian, Chinese, and Iranian militaries, fired numerous rounds at the APC. The armored personnel carrier did exactly what it was designed to do, it kept the occupants inside safe from the gun fire aimed at them (Anderson, 2014). The incident in Stockton was just one example of a local police department facing criminals who were armed like foreign military combatants and the need to have equipment to protect them from such actions. Nearly every city in America has a bank, and all are potential targets of heavily armed robbers who are willing to kill and for critics to believe it is not possible in a smaller city is naïve.

Another recent event that showed the positives of APC vehicles occurred during the hunt for the Boston Marathon Bombing suspects. As police were searching for the armed suspects who had already shown the ability to produce bombs, they used their APC vehicles to protect personnel from one location to the next. The vehicles permitted situational awareness and the ability to observe from relative safety ("5 critical lessons about armored," 2014). In the final engagement with suspect Dzhokhar Tsarnaev,

police used the vehicle to drive right up to the suspect, an event that was watched from a law enforcement helicopter with infrared, permitting a safe capture of the suspect. Tsarnaev, in conjunction with his brother, had already killed one police officer, shot another and used bombs against the police and public as part of their terrorist acts. From the safety of their APC, the police were capable of doing their job of arresting Tsarnaev and were able to use less force than might have otherwise been needed. Although this is not an everyday event, history has shown law enforcement that it must be prepared for the worst, while hoping for the best. In addition to the high profile uses of APCs, law enforcement has found numerous other uses including using the vehicles as large ballistic shields, providing cover from armed felons, as mobile bunkers for evacuation, intimidation of suspects, and peace of mind for officers riding in them allowing them to perform their duties ("5 Critical Lessons About Armored," 2014).

The police proliferation of the AR15/M16 rifle's use followed the North Hollywood bank shootout, where police learned that they were outgunned with pistols and shotguns and incapable of bringing down suspects who were armed with rifles and layers of body armor of their own. Today, these rifles are commonly used by law enforcement as a means to more accurately engage targets from a distance or during high threat incidents such as active shooter events. The guns transferred, although originally produced for the military, differ little from those available to the general public. Balko (2013) stated "the North Hollywood Shoot-out has become the go-to incident for proponents of police militarization" (p. 230). Even though he is critical of using this incident as the reason for more "militarization", Balko (2013) noted that the North Hollywood Shoot-out provided some merit for the increase in rifles stored in patrol

officers trunks. In addition to saving money and helping increase safety, the use of military equipment may help keep the real military from walking the streets of America.

The last major reason to allow the transfers of the former military equipment is that the better equipped local police departments are to handle situations, the less likely they are to need assistance from the actual military or National Guard. When police are capable of handling terrorist acts, riots, insurrections or other acts of lawlessness, governors will not need to instill martial law. Representative Steve Cohen (D-Tenn), who has supported the 1033 program in the past, has been quoted as saying “there could be a terrorist threat with people with high-cartridge ammunition and weaponry, where [police] might need to respond with some type of, something like that, although the National Guard would be called out” (“Why Congress Is Reluctant,” 2014, para. 22). The use of military forces within the borders of the United States should be an action of last resort and is a true militarization of police functions.

When civilian led police forces fail to handle an incident, the use of military reserves can occur. Some who are quick to state that the police have militarized, are also quick to call upon the actual military to patrol their streets in times of unrest. The calling of U.S. military personnel to quell the actions of American citizens should be a decision of absolute last resort. With the military comes a lack of training with regard to law enforcement duties, and instead these soldiers are primarily trained to fight foreign combat enemies. In 1807, the Federal Congress passed the Insurrection Act which made it illegal for federal military forces to deploy within the United States, except during times of such insurrection that the local police were incapable of handling the situation (Fisher, 2010). The 1878 Posse Comitatus Act (PCA) has been in place for

over 100 years to provide a strong distinction between the military forces and the police; however, since the 1970s, this line was moved with the “War on Drugs” (Beger & Hill, 2009). Since that time, President Clinton signed an amendment authorizing the military to help in investigations of weapons of mass destruction; President Bush sought to expand roles post Hurricane Katrina, and law enforcement agencies work hand in hand with the military in Joint Terrorism Task Forces (JTTFs) (Beger & Hill, 2009). This blurring, through the use of actual military personnel to patrol within the United States, should be the real concern. When not trained in apprehension in the same manner as police officers, danger to the public can increase. In 1997, a U.S. Marine assigned to a drug task force on the border with Mexico shot and killed an 18 year old man who was tending a farm (Fisher, 2010). While the police are locally responsible to the public they serve, the National Guard reports to the governor. Even more concerning to those who believe that the federal government goes too far, National Guard troops can also be mobilized under federal authority. If federalized, they answer to the federal government.

In 2014, there were three instances of governors calling in the National Guard to deal with historically local and federal law enforcement matters. A thousand Texas National Guard troops were called up by Republican Governor Perry in order to help patrol the border with Mexico (“Key Questions,” 2014). In August, following the rioting in Ferguson, MO, Waddell (2014) noted that “combat-trained National Guard soldiers will be under intense scrutiny as they come in as a police force, attempting to deescalate an increasingly tense situation” (para. 10) after being called in by Democratic Governor Nixon. The third instance of military personnel performing police duties, occurred in

November, when Governor Nixon again activated the National Guard; this time 2,200 troops were sent to the city of 21,000 residents (Gittens, Jarrett, & McClam, 2014).

In 2013, the National Guard was called up 57 times nationwide; however, all were for natural disaster assistance or wildfires (“Key Questions,” 2014). Prior to the events in Ferguson, the National Guard had not been called to act in a form of martial law since the 1992 riots in Los Angeles, during which 1,100 U.S. Marines, 600 Army soldiers and 6,500 National Guard soldiers responded (“Los Angeles Riots Fast Facts”, 2014). During those riots, National Guard troops shot and killed a person. Other notable instances included the riots following the shooting of Dr. Martin Luther King Jr. and the Watts Riots of 1965 (“Key Questions”, 2014). During the Watts Riots, nearly 14,000 National Guard troops were called upon to patrol the area (“Watts Rebellion”, n.d.). In 2001, following the terrorist attacks on the United States, military personnel were called upon for additional security measures in several large cities. In each instance, actual military soldiers patrolled the streets of American cities, not a militarization of the police, but the military as the police. If the police are not properly equipped to handle the situations they face within the borders of the United States, then the true militarization of policing duties occurs when military troops are called in to help.

COUNTER POSITION

Use of military equipment and technology leads to the “militarization” of police forces and blurs the lines between civilian police forces and the military. This causes strife between the police and the citizens they are sworn to serve. Police presence in riot gear may make matters worse, “notably, in Ferguson, the protests were far less contentious on Thursday night, when the police weren’t out in riot gear” (“Why Congress

Is Reluctant”, 2014, para. 4). Fuchs (2014) surmises the ACLU position and believes that there is a direct link between the receiving of 60 semiautomatic weapons gained from the 1033 program and the Gwinett County SWAT team breaking down doors about 50% of the time they were used. Fisher (2010) states that “one foreseeable byproduct of a more militarized approach to law enforcement is the overly officious, thin-skinned police officer who reacts to citizen disrespect as though it were a crime and a breakdown of law and order” (p. 16-17). Proponents of excessive militarization propose that it leads to high-profile incidents and many others that the public never hears.

According to Fisher (2010), high-profile acts of police actions which include SWAT raids, use of SWAT officers as supplementary patrol officers during a weekend in Chicago which had 9 murders in a concentrated area, the purchasing of sniper rifles, the issuance of rifles to patrol officers in the wake of the Columbine shootings in which SWAT was unable to respond in time, the ticketing or arresting of juveniles, the arrest of a man from an ambulance and the use of a TASER against elderly women all constitute evidence of the militarization of police. Oddly, Fisher (2010) himself pointed out the apparently legitimate reasons for many of the examples he gives but dismisses them without any basis of fact; they are, in the end, simply his beliefs. Other examples given were often mistakes or examples of bad judgment that were not supported by the law enforcement community, but he uses them as evidence of militarization nonetheless. Fisher (2010) proposed an approach to minimizing the militarization of local law enforcement: stop using tactical teams to serve drug search warrants, reduce dramatically the war on drugs, end all military training for officers on patrol, instill

community oriented policing training and implementation, end zero-tolerance initiatives and reduce the role of the federal government with local level crimes.

Looking to other solutions for better relationships between the police and communities, Falcone, Wells & Weisheit (2002) stated “the small-town police department’s absence of ‘professionalism’ and militarism is key to its community connectedness, the foundation of its efficacy” (p. 371). Cushing (2014) went on to place much of the blame of militarization on the federal government. He noted that even those most law-abiding citizens do not want a militarized police force, the federal government is ready to give away former military branch items, to any police department who states they want to address terrorism or “active shooter” incidents.

Beger and Hill (2009) asserted that “finally, the paramilitary policing juggernaut is likely to crush the complimentary norms of democratic policing: transparency and accountability. Militarization and the use of PPU are always accompanied by arguments for greater security and secrecy to protect police operations” (p. 32). Beger and Hill (2009) believe that there is an acceptance to militarization and that if it is not stopped soon, the militarization of police forces may continue unabated.

However, military equipment does not lead to blurred lines between the military and the police. They have always been different and yet intertwined organizations. According to Barak (2007), before the police took the function as peace keepers in communities, their duties were once those of the militia. The line between the military and the police has often been one of security responsibilities and they are designated to organize around this task. The military has had the duty of protecting U.S. interests overseas and from external foreign threats, while the police have had the duty of

protection within the country from threats both inside and outside the country. As noted by Salter (2014), “globalisation (sic) has blurred the distinction between internal and external security, and hence policing and the military” (p. 167). The police also function as peace keepers and problem solvers within their assigned communities through the enforcement of laws and through public service.

A simplistic argument that the mere presence of equipment that was once solely military, militarizes the police, fails to take into account the differing threats that the local law enforcement are there to address. Law enforcement within the country attempt to reduce the amount of force used to meet the ends, while at the same time recognizing the danger to all involved. As noted by Friedman (1999) regarding weapons originally designed by the military, “the value of these new systems lies in their potential to reduce the use of force in high-risk situations and limit the threat of civilian and police casualties posed by current weapons” (p. 33). Many of these former military only weapons are now used as a means to actually reduce violence and injuries. As Friedman (1999) looked further into the hybrid use of military technology, he observed that “all future weapons share the common goal of neutralizing a threat without inflicting needless casualties or collateral damage. This concept makes these weapons ideally suited for law enforcement use” (p. 34-35). The employed new weapon systems and technologies have become necessary for police use.

Beck, Downing & Lopez (2014) of the Los Angeles Police Department explained that some police calls require the use of both equipment and tactics that originated in the military, but the police are not military soldiers; they are police officers who have a duty to protect and serve. They stated “equipping a SWAT team with armored vehicles

does not result in a militarized posture when proper civilian oversight, policies, training, selection, and accountability processes are in place” (Beck et al., 2014, para. 2). The need for tactical teams is a natural progression according to Garth Den Heyer (2014). Den Heyer (2014) believed that critics of SWAT teams and especially the often quoted Professor Kraska, are unfair in their assessment, noting, “the problem, these authors claim, was that PPU/SWAT Units were becoming part of mainstream policing and that they were being used on proactive patrol, with the Units’ policing style subsequently influencing general police officers attitude and behavior when dealing with members of the public” (p. 348). He took exception to this criticism, noting that serious incidents with armed suspects led to the creation of these teams. There is no doubt that there has been an increase in the number of SWAT deployments; however, researchers who propose this is due to militarization do not take in to account the increased violence used toward police and fail to perform a more comprehensive analysis of the new dangers and incidents they face (Den Heyer, 2014). Some researchers propose that the proliferation of SWAT units in small or medium size towns is evidence of a culture of militarization. To focus a police response based on the latest population census would be irresponsible and make no sense; it does not take in to account the dynamics of modern day America. Den Heyer (2014) stated, “Although there was an increase in PPU/SWAT Unit involvement in the execution of search warrants, especially drug warrants, this does not point to a militarization of mainstream policing” (p. 354).

Den Heyer (2014) then explained that the use of military technology simply helps with effectiveness and that this development has allowed for improvements such as crime mapping. The realization is that police are facing a changing dynamic society,

and they are simply changing tactics to address these societal differences. Den Heyer (2014) further proposed that the leading researcher on PPU/SWAT Units, Kraska, believes that a hidden conspiracy exists between military contractors and the government, to blur the lines between the police and the military as a means to increase sales of equipment. He countered and surmised the difference, noting “practically and operationally, Chief Executives from both the Military and the Police have a clear and strategic vision and understanding in respect to organizational roles” (Den Heyer, 2014, p. 355).

Some believe that the use of military equipment and technology leads to excessive force employed by the police and tactics which cause more citizen deaths and injuries. Greenhut (2008) stated that “police use deadly force at their discretion,” and he gives examples of the police shooting citizens and notes in two cases that the person was armed with only toy guns (p. 20). He dismisses that in a split second decision; it is difficult to tell between a toy gun and a real gun. Greenhut (2008) also asserted that grand jury involvement only occurs when there is attention to the case and that District Attorney’s ensure favorable grand juries for the police. He likened the use of force to the militarization of police, noting that cops today are often former military or trained with military tactics (Greenhut, 2008). Martinot (2014) concurred with Greenhut stating, “police departments say they are dedicated to ‘serving and protecting’ the people, yet their real mission is to preserve and protect themselves as police. Thus...the social institutions to which people can turn for protection...are a primary source of that violence” (p. 71). Many of the items used by police today for rare situations are focused on by critics.

One such piece of military equipment being called in to question is what is commonly called a flash-bang. Nehring (2014) noted that while flash-bangs are marketed as a less than lethal weapon, they can still cause serious injuries or even death. In May of 2014, a high profile incident occurred when a flash-bang was inadvertently put into the crib of a 19 month old sleeping boy; the device caused the boy severe burns and long term injuries (Sanburn, 2014). Many experts believe these devices are more suited for the battlefield than the urban environments policed in America.

Martinot (2014) argued that the adaption of military tactics such as surveillance, weaponry, and technology goes along with operations beginning with high levels of violence even when it is not needed. He also claimed that militarization leads to the police demanding strict obedience to commands and orders or else deadly force may be used. Finally, the use of this equipment leads to oppression of minorities and Martinot (2014) believed “militarization of the police, and of civil society through them, also represents a regimentation of the white population, through the criminalization and segregation of people of color” (p. 70).

Contrary to belief of some experts that military equipment leads to excessive use of force, other leading experts, such as Barak (2007), realized that it is nearly impossible to measure the number of people saved through the deployment of militarized units. Barak (2007) noted “it is complex to measure just how many injuries or deaths have been eliminated or reduced through the militarization of policing movement, but it is reasonable to say many lives have been saved and positively affected” (p. 457). One of the hot topic items, flash-bangs, are less than lethal

devices. They are not designed to kill, but are capable of doing so, much like a car has the ability to kill when used improperly or even when accidental operation occurs.

When police began looking for a device to stun people and give them a tactical advantage in order to capture instead of kill them, the police again turned to the military which had been using “big bangs” during training as discussed by Ijames (2005). Never meant to kill, these devices were later altered by an LAPD explosives expert into the precursors of the flash bang used today. Contrary to the deadly weapons that some want to portray them as, “thousands have been deployed in training and actual operations, and from a statistical standpoint the potential for a launch injury is low” (Ijames, 2005, para. 13). Nothing the police have at their disposal are fool proof, but the use of flash-bangs is an attempt by law enforcement to capture, not maim or kill and the idea that these are leading to militarization lacks merit. Even suppliers are doing their part, Nehring (2014) found that “in 2008, flash-bang manufacturers agreed to best practices and launched a voluntary program preventing sales of flash-bangs to law enforcement agencies that lacked certified trainers” (para. 18). Steps are taken from numerous avenues to address safety issues and the use of this specialized equipment.

RECOMMENDATION

Leaders must recognize that “a dynamic relationship between the police and military has always existed in organized societies” and that police militarizing is nothing new; however, perceptions of this relationship are under increased scrutiny (Barak, 2007, p.458). Local police departments are being questioned as to their use of equipment and tactics whose origins were found in the military. Sanburn (2014) informed that “some towns are turning their backs on military gear. In New Hampshire, a

state legislator has introduced a bill banning towns from accepting military vehicles” (para. 11). Local police departments face criticism from academics, the citizenry, and politicians with the procurement of former military equipment. It is recommended that law enforcement executives recognize the public’s perception that local law enforcement agencies are “militarizing” and take steps to overcome this. They must ensure there is a clear delineation between the police and the military; Paul Szoldra (2014) noted that police in Ferguson, MO “would have been mistaken for soldiers if they weren’t wearing ‘Police’ patches. They wear green tops, and pants fashioned after the U.S. Marine Corps MARPAT [short for MARine PATtern] camouflage pattern” (para. 6). Local police departments are losing valuable and expensive resources due to political pressures regarding the real or perceived use of this formerly military equipment.

One such place this occurred was within the San Diego unified school district in California. The department received a Mine Resistant Ambush Protected vehicle (MRAP) in 2014, with visions of using the vehicle as a means to respond to possible mass shootings at schools and as a search and rescue vehicle to be equipped with medical supplies and teddy bears (Bowler & Mento, 2014). As noted earlier, these vehicles normally have no offensive capabilities and are capable of crossing terrain impassable by most police vehicles. Although Chief Ruben Littlejohn held a news conference in response to questions, he did not display the vehicle for the media to look at first hand and, therefore, failed to be completely transparent with its use (Bowler & Mento, 2014). Within a week of the press conference, the school district succumbed to local pressures and sent the MRAP back to the military (“San Diego School Police,”

2014). The loss of this equipment may hamper the San Diego Unified Police Department to responding to an emergency in the future.

Diametrically different results occurred in Columbia, South Carolina, when it received an MRAP (Mine Resistant Ambush Protected). Although the presence of the vehicle bothered some, Interim Police Chief Ruben Santiago went public when he laid out why his department accepted the MRAP, “the Police Department MRAP will be a barrier between the public and a hostile person or situation such as a barricaded suspect with weapons who may be threatening someone’s life. We want to protect citizens as best as possible” (Wallace, 2013, para. 4). The MRAP was quickly painted blue (a traditional police color) to match their police vehicles, with the department logo on the side of the truck and the words “POLICE” in large yellow letters. The vehicle was then displayed in the city’s Memorial Day parade for the community to see. Chief Santiago took a transparent approach, which is important when the use of military equipment is facing misinformation from many sources.

One such threat to the truth about the use of surplus military equipment comes from the media. Irresponsible journalism can twist facts as observed by an article by Josh Sanburn published June 24, 2014 with Time magazine when he titles his article “This is Why Your Local Police Department Might Have a Tank.” The “tank” he described is an armored personnel carrier (APC); he gives no definition of a tank or any legitimate reason for the use of the word, and instead it is a means to provoke fear in the public concerning a program he does not agree with. Leaders must be cognizant to point out the plethora of equipment used by police today that were once designed for

the military. In fact, the public calls for body cameras can even trace their lineage to technologies developed by the military via shoulder cameras (Hoffman, 1999).

Law enforcement executives must recognize that the use of SWAT teams are often perceived by many in the public as “militarized” units. As Barak (2007) pointed out, “many aspects of the specialized units’ uniforms and equipment are identical or derivatives of the military” (p.456). In order to prevail over these perceptions, leaders must make certain efforts to ensure proper community policing initiatives are in place and take a proactive approach to educating and communicating with the public in a transparent manner. Law enforcement leaders need real facts and an action plan to help them educate elected officials and, more importantly, the citizens they serve.

Law enforcement executives should limit the daily or routine use of camouflage, olive drab (OD) green or desert tan battle-dress-uniforms (known as BDUs) to incidents which require those types of uniforms due to their militaristic appearance of civilian law enforcement (Kraska, 1999). LAPD leadership has publicly stated “members of the Los Angeles Police Department’s SWAT team agree with the American Civil Liberties Union that the lines between municipal law enforcement and the U.S. military cannot be blurred. The two are clearly distinct in existence and purpose” (Beck et al., 2014, para. 2). LAPD is ensuring proper communication with the public regarding policies and regulations. LAPD also feels that “in closing, SWAT teams, their vehicles, armor, and weapons systems have a specific purpose and should properly be restricted to those high-risk incidents requiring extraordinary tactics and skills that exceeds the capabilities and training of traditional detectives and uniformed officers” (Beck et al., 2014, para. 9).

Small town law enforcement officials must be sure to point out that officers are usually members of the community, going to the same churches and businesses and with children going to the same schools as those they police (Falcone et al., 2002). These officers are often recruited from within the community, and leaders must work to help the public be aware that these officers have a desire to protect them from all sources of danger. As small town departments work to better prepare for negative encounters and adopt specialized units to deal with such incidents, they must be sure to recognize the potential damage to the relationships within their community (Falcone et al., 2002). Transparency is paramount to educating the public and ensuring their best interest.

Law enforcement leaders and associations must work with politicians to reduce military themes to societal issues. Unfortunately this may be a difficult task for the law enforcement community as many elected officials want to appear tough on crime. Falcone et al. (2002) contended that “military metaphors are both attractive and seductive as they imply that solutions to the many endemic social problems facing the nation that manifest themselves as crime can be easily and simplistically resolved through the application of military force” (p. 379). The police must be sure to avoid terms such as “battle”, “war” and “enemy,” as these do not denote the struggles the police are tackling. Police must ensure they are not political pawns or they may very well lose the public support they need to function effectively. LAPD does a good job of educating the public by clearly stating “the military mission is to confront and kill a defined enemy. The peace officer has no enemies” (Beck et al., 2014, para. 3).

It is incumbent on law enforcement executives to take the lead with regard to ensuring a positive relationship exists between the public and the police. The police cannot serve their communities in a meaningful and appropriate manner if the public feels they are an occupying force. With the recent perceptions regarding the “militarization” of law enforcement, better community policing strategies and more transparency are paramount in helping with the situation. Yet at the same time, the police are being called upon to help intervene with new, dangerous attacks on their communities and the traditional law enforcement gear has become incapable of handling some of these threats. As Sung (2006) noted, “police effectiveness is ultimately about what and how much the police have accomplished in the eyes of the public” (p. 350). Therefore, the law enforcement community should continue to adopt the use of military based technology and surplus equipment appropriate for civilian policing needs, but the police must be cognizant of the appearance of this use and be restrained in its application.

REFERENCES

- 5 critical lessons about armored vehicles from the Boston Marathon Bombing: Armored vehicles help law enforcement face a new world of potential threats. (2014, March 19). Retrieved from <http://www.policeone.com/police-products/vehicles/specialty/articles/6990737-5-critical-lessons-about-armored-vehicles-from-the-Boston-Marathon-Bombing/>
- About the 1033 program. (n.d.). The law enforcement support office. Retrieved from <http://www.dispositionservices.dla.mil/leso/Pages/default.aspx>
- Anderson, J. (2014, July 24). Police armored vehicle passes 1st major test. Retrieved from http://www.recordnet.com/article/20140724/A_NEWS/407240322?template=printart
- Balko, R. (2013). *Rise of the warrior cop: The militarization of American's police forces*. New York: Public Affairs.
- Barak, G. (Ed.). (2007). *Battleground: Criminal justice*. Westport, CT: Greenwood Publishing Group.
- Beck, C., Downing, M., & Lopez, R. (2014, July 29). Militarization of special weapons and tactics teams in American policing: A Los Angeles Police Department perspective [Blog post]. Retrieved from <http://theiacpblog.org/2014/07/29/militarization-of-special-weapons-and-tactics-teams-in-american-policing-a-los-angeles-police-department-perspective/>
- Beger, R. & Hill, S. (2009). A paramilitary policing juggernaut. *Social Justice*, 36(1), 25-40.

Body armor history. (n.d.). Retrieved from

<http://www.globalsecurity.org/military/systems/ground/body-armor2.htm>

Bowler, M. & Mento, T. (2014, September 10). San Diego Unified: New MRAP is not a tank. Retrieved from <http://www.kpbs.org/news/2014/sep/10/san-diego-unified-new-mrap-not-tank/>

Cushing, T. (2014, April 11). Midwestern town of 7,000 approves military surplus armored personnel carrier for its 12-member police force. Retrieved from <https://www.techdirt.com/articles/20140410/07535726867/midwestern-town-7000-approves-military-surplus-armored-personnel-carrier-its-12-member-police-force.shtml>

Dance, G., Meagher, T. & Musgrave, S. (2014, December 3). The Pentagon finally details its weapons-for-cops giveaway. Retrieved from <https://www.themarshallproject.org/2014/12/03/the-pentagon-finally-details-its-weapons-for-cops-giveaway>

Den Heyer, G. (2014). Mayberry revisited: A review of the influence of police paramilitary units on policing. *Policing and Society: An International Journal of Research and Policy*, 24(3), 346-361.

DPMS Sportical rifle 5.56/.223 Rem. (n.d.). Retrieved from <http://www.walmart.com/ip/21677319?www=true&productRedirect=true>

Engen, S. (2011, January 24). The history of the 1911 pistol. Retrieved from <http://www.browning.com/library/infonews/detail.asp?ID=301>

Falcone, D. N., Wells, L. E., & Weisheit, R. A. (2002). The small-town police department. *Policing*, 25(2), 371-384.

- Fisher, J. (2010). *SWAT madness and the militarization of the American police: A national dilemma*. Santa Barbara, CA: Praeger.
- Friedman, E. J. (1999, June). Marine Corps weapons for police. *Law & Order*, 47(6), 33-35.
- Fuchs, E. (2014, August 13). The ACLU released a terrifying report on all the military weapons US cops have. Retrieved from <http://www.businessinsider.com/aclu-report-on-police-militarization-2014-8>
- Gittens, H., Jarrett, T., & McClam, E. (2014, November 25). Governor Nixon orders 2,200 National Guard troops into Ferguson. Retrieved from <http://www.nbcnews.com/storyline/michael-brown-shooting/governor-nixon-orders-2-200-national-guard-troops-ferguson-n255931>
- Greenhut, S. (2008, March). The militarization of American police. *The Freeman: Ideas on Liberty*, 58, 15-20.
- Hoffman, J. (1999, August). Military products have police use. *Law & Order* 47(8), 34-36.
- Ijames, S. (2005, October 21). Less lethal options for today's LE challenges: Flash bang 101. Retrieved from <http://www.policeone.com/police-products/tactical/tactical-entry/articles/120100-Flash-Bang-101/>
- Kelepecz, B.P. (2015, February). The 1033 Program: Effect on law enforcement and the debate surrounding it. *The Police Chief*, 82(2), 48-51.
- Key questions about the National Guard in Ferguson. (2014, August 18). Retrieved from <http://www.cbsnews.com/news/key-questions-about-the-national-guard-in-ferguson/>

- Kraska, P. (1999). Questioning the militarization of U.S. police: Critical versus advocacy scholarship. *Policing and Society: An International Journal of Research and Policy*, 9(2), 141-155.
- Kraska, P. (2007). Militarization and policing – its relevance to 21st century police. *Policing*, 1(4), 501-513.
- Los Angeles Riots fast facts. (2014, May 3). Retrieved from <http://www.cnn.com/2013/09/18/us/los-angeles-riots-fast-facts/>
- Martinot, S. (2014). On the epidemic of police killings. *Social Justice*, 39(4), 52-75.
- MRAPs and bayonets: What we know about the Pentagon's 1033 Program. (2014, September 2). Retrieved from <http://www.npr.org/2014/09/02/342494225/mraps-and-bayonets-what-we-know-about-the-pentagons-1033-program>
- Munson, K. (2014, April 7). Munson: Heavy-duty military equipment given to police. Retrieved from <http://www.desmoinesregister.com/story/news/local/kyle-munson/2014/04/05/munson-heavy-duty-military-equipment-police/7337463/>
- Nehring, A. (2014, August 22). "Less lethal" flash-bangs used in Ferguson leave some feeling the burn. Retrieved from <http://www.propublica.org/article/less-lethal-flash-bangs-used-in-ferguson-leave-some-feeling-the-burn>
- Packard, S. (2012, December 5). The MRAP. Retrieved from <http://gearpatrol.com/2012/12/05/defense-journal-having-a-blast-or-riding-a-blast-wave/>
- Patterson, G. T. (2002). Predicting the effects of military service experience on stressful occupational events in police officers. *Policing*, 25(3), p. 602-618.

Perito, R. M. (2004). *Where is the Lone Ranger when we need him? America's search for a postconflict stability force*. Washington, D C: United States Institute of Peace Press.

Salter, M. (2014, May). Toys for the boys? Drones, pleasure and popular culture in the militarisation of policing. *Critical Criminology*, 22(2), p. 163-177.

San Diego School Police to return 18-ton military vehicle. (2014, September 19). Retrieved from <http://www.kpbs.org/news/2014/sep/18/san-diego-school-police-return-18-ton-military-veh/>

Sanburn, J. (2014, June 24). This is why your local police department might have a tank. Retrieved from <http://time.com/author/josh-sanburn/page/10/>

Sung, H. (2006). Police effectiveness and democracy: shape and direction of the relationship. *Policing: An International Journal of Police Strategies & Management*, 29(2), 347-367.

Szoldra, P. (2014, August 12). This is the terrifying result of the militarization of police. Retrieved from <http://www.businessinsider.com/police-militarization-ferguson-2014-8>

The very first bomb disposal robot. (2014, January 15). Retrieved from <http://www.military.com/video/ammunition-and-explosives/explosive-ordnance-disposal/the-first-bomb-disposal-robot/3059244734001/>

Waddell, K. (2014, August 18). Why the National Guard is coming to Ferguson: A look at the soldiers being called in to keep the peace. Retrieved from <http://www.nationaljournal.com/domesticpolicy/why-the-national-guard-is-coming-to-ferguson-20140818>

Wallace, A. (2013, November 13). Columbia Police unveil newly acquired armored vehicle. Retrieved from <http://coladaily.com/2013/11/13/columbia-police-unveil-newly-acquired-armored-vehicle/>

Watts Rebellion. (n.d.). Retrieved from http://mlk-kpp01.stanford.edu/index.php/encyclopedia/encyclopedia/enc_watts_rebellion_los_angeles_1965/

Why Congress is reluctant to stop the military toys flowing to local cops. (2014, August 20). Retrieved from http://www.huffingtonpost.com/2014/08/18/police-militarization-congress_n_5688357.html